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Letter dated 20 November 2002 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 18 November 2002 addressed to you by Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait (see annex), in response to the letter from the Minister for Foreign Affairs of Iraq addressed to you concerning the return, between 19 and 29 October 2002, of the Kuwaiti archives seized by Iraq (S/2002/1237, annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammad A. **Abulhasan**
Permanent Representative

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Annex to the letter dated 20 November 2002 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

With reference to the letter dated 6 November 2002 from the Minister for Foreign Affairs of Iraq addressed to you concerning the return of the Kuwaiti archives under the supervision of the United Nations and in the presence of a team from the League of Arab States, which took place between 19 and 29 October 2002, I should like to state as follows:

This process falls within the context of Iraq's compliance with the relevant Security Council resolutions requiring it to return Kuwait's property.

Despite the fact that the archives were returned only after many years of denial by Iraq that it had any Kuwaiti documents in its possession, Kuwait nevertheless regards their return as a positive step that it hopes will be complemented by the return of all the property that was looted from Kuwait at the time of the Iraqi occupation of the country.

The handover schedules explicitly state that Kuwait has a period of 60 days in which to authenticate and assess the significance of the documents that have been returned. By the very nature of the situation, it was not possible to scrutinize the documents in detail owing to the character of the location in which the handover took place, and this, in turn, further shortened the duration of the handover itself.

From the preliminary scrutiny of the documents made by the agencies concerned, and despite the fact that they include files belonging to the Ministry of Foreign Affairs and the Office of the Amir, it has become evident that they are of a routine character and do not in any way amount to what can be considered State archives.

Accordingly, I emphasize that the only party that has the right to render judgement on the extent of Iraq's cooperation in this domain is Kuwait. It does so on the basis of its familiarity with its own documents and of its right to play a sovereign role in their scrutiny. No other party has that right.

In its letter, Iraq states that "... any Kuwaiti items or documents that were found subsequently would be returned in the same way". This is tantamount to an explicit acknowledgement on its part that it still has such documents in its possession. It should, in particular, be taken into account that the removal of the documents from occupied Kuwait at the relevant time was supervised by Iraqi officials who were specialists, and this leaves no room for doubt that documents are still being kept by the Iraqi authorities.

Accordingly, Kuwait does not agree that the issue of its national archives should be closed. It calls upon Iraq to complete the return of the archives and especially of documents belonging to the Office of the Amir, the Office of the Heir Apparent, the Council of Ministers and the Ministry of Foreign Affairs.

In closing, I must commend the efforts you have made as well as those of all who have helped to facilitate the return of Kuwaiti property, including the high-level Coordinator for the prisoner issue and the return of property, Ambassador Yuli M. Vorontsov, and the coordinator of the return of the archives, Mr. J. Richard Foran, and his team.

(*Signed*) Sabah Al-Ahmad Al-Jaber **Al-Sabah**
First Deputy Prime Minister
Minister for Foreign Affairs